

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
Clerk's Office
USDC, Mass.
Date 12-13-09
By [Signature]
Deputy Clerk

JUDITH RÉ,

Plaintiff,

v.

JODI R.R. SMITH, and
BARNES & NOBLE INC.

Defendants.

Civil No. 04-11385-RGS

AFFIDAVIT OF CARON LEBRUN

I, CARON LEBRUN, state the following on my own personal knowledge:

1. I am familiar with Judith Ré and her SOCIAL SAVVY® brand of etiquette instruction. Since 1998 I have worked directly with Ms. Ré as the Director of Public Relations for The Ritz-Carlton Hotels of Boston.

2. Since 1998 I have been the Director of Public Relations for The Ritz-Carlton, Hotels in Boston. When I started in 1998 there was one Ritz-Carlton hotel in Boston. In 2001, we opened The Ritz-Carlton, Boston Common Hotel. I am now the Area Director of Public Relations for both Boston hotels.

3. Since 1987, Ms. Ré has regularly hosted her "Day of SOCIAL SAVVY®" etiquette instruction program at The Ritz-Carlton, Boston. Ms. Ré's SOCIAL SAVVY® etiquette program is aimed mainly at teenagers and adolescents. Over the years the annual frequency of Ms. Ré's programs has varied. Currently, she hosts her "Day of SOCIAL SAVVY®" etiquette instruction program about 6 times a year.

4. Since 1987 when The Ritz-Carlton, Boston agreed to host Ms. Ré's "Day of SOCIAL SAVVY®" etiquette program we have regularly sent mailings to our guests and people

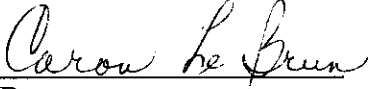
on our mailing list advertising Ms. Ré's SOCIAL SAVVY[®] program. Currently, we send out a mailing about four times a year that includes a description of Ms. Ré's program.

5. Ms. Ré's "Day of SOCIAL SAVVY[®]" etiquette program at The Ritz-Carlton, Boston has garnered media exposure for her and the Hotel. The Travel Channel, in fact, taped a 20 minute special on Ms. Ré's program that it still airs twice a year.

6. I am familiar with the registration process for Ms. Ré's SOCIAL SAVVY[®] etiquette instruction classes. I am aware that often when people called to register for Ms. Ré's class they did so by referring to it as the SOCIAL SAVVY[®] etiquette class. Registrants frequently knew of the class under its SOCIAL SAVVY[®] trade name and asked to take the class with the SOCIAL SAVVY[®] woman.

7. Throughout my 20 years in the luxury hotel industry I have become familiar with other etiquette instruction programs and courses. I am also aware of etiquette programs that other hotels sponsor. I am unfamiliar with any other etiquette instructor who used the words SOCIAL SAVVY[®] to describe their etiquette instruction or to describe their services. Rather, my experience is that Ms Ré's niche in the etiquette industry is her SOCIAL SAVVY[®] brand. SOCIAL SAVVY[®] in the etiquette industry means Ms. Ré.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 13 DAY OF December, 2004.


Caron LeBrun